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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS-2018-0087]

Concurrence with OIE Risk Designations for Bovine Spongiform Encephalopathy

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our decision to concur with the World Organization for Animal Health's (OIE) bovine spongiform encephalopathy (BSE) risk designations for Nicaragua. The OIE recognizes this region as being of negligible risk for BSE. We are taking this action based on our review of information supporting the OIE's risk designations for this region.

FOR FURTHER INFORMATION CONTACT: Dr. Kari Coulson, Senior Staff Veterinarian, Strategy and Policy, VS, APHIS, 920 Main Campus Drive, Suite 200, Raleigh, NC 27606; (919) 855-7741; email: kari.f.coulson@usda.gov.

SUPPLEMENTARY INFORMATION:

The regulations in 9 CFR part 92 subpart B, "Importation of Animals and Animal Products; Procedures for Requesting BSE Risk Status Classification With Regard To Bovines" (referred to below as the regulations), set forth the process by which the Animal and Plant Health Inspection Service (APHIS) classifies regions for bovine spongiform encephalopathy (BSE) risk. Section 92.5 of the regulations provides that all countries of the world are considered by APHIS to be in one of three BSE risk categories: Negligible risk, controlled risk, or undetermined risk. These risk categories are defined in § 92.1. Any region that is not classified

by APHIS as presenting either negligible risk or controlled risk for BSE is considered to present an undetermined risk. The list of those regions classified by APHIS as having either negligible risk or controlled risk can be accessed on the APHIS website at <https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-and-animal-product-import-information/animal-health-status-of-regions>. The list can also be obtained by writing to APHIS at Regionalization Evaluation Services, 4700 River Road Unit 38, Riverdale, MD 20737.

Under the regulations, APHIS may classify a region for BSE in one of two ways. One way is for regions that have not received a risk classification from the World Organization for Animal Health (OIE) to request classification by APHIS. The other way is for APHIS to concur with the classification given to a country or region by the OIE.

If the OIE has recognized a country as either BSE negligible risk or BSE controlled risk, APHIS will seek information to support our concurrence with the OIE classification. This information may be publicly available information, or APHIS may request that countries supply the same information given to the OIE. APHIS will announce in the *Federal Register*, subject to public comment, its intent to concur with an OIE classification.

In accordance with that process, we published a notice¹ in the *Federal Register* on June 17, 2019 (84 FR 28001, Docket No. APHIS-2018-0087), in which we announced our intent to concur with the OIE recognition of Nicaragua as being a region of negligible risk for BSE. We solicited comments on the notice for 60 days ending on August 16, 2019. We received one comment by that date, from a private citizen.

The commenter voiced doubts about the efficacy of the BSE minimal risk region policy, concerns about other prion diseases such as chronic wasting disease circulating in the United

¹ To view the comment we received, go to <https://www.regulations.gov/docket?D=APHIS-2018-0087>.

States and the world, and skepticism that the ruminant-to-ruminant feed ban has been effectively enforced. The commenter did not, however, address our preliminary concurrence with the OIE's risk designation for Nicaragua or the documentation made available to support that action.

Therefore, in accordance with the regulations in § 92.5, we are announcing our decision to concur with the OIE risk classification of Nicaragua as a region of negligible risk for BSE.

Authority: 7 U.S.C. 1622 and 8301-8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 4th day of November 2019 .

Kevin Shea,
Administrator,
Animal and Plant Health Inspection Service.

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